Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

LIMITED OFFICIAL USE

PAGE 01 WARSAW 03076 010036Z

64
ACTION H-03

INFO OCT-01 EUR-06 ISO-00 SS-07 NSC-06 AID-01 DRC-01 RSC-01

/026 W
---------- 110218
R 311431Z MAY 74
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC 0000
USIA WASHDC
INFO AMCONSUL POZNAN

LIMITED OFFICIAL USE WARSAW 3076

E.O. 11652: N/A
TAGS: APER, PINS, PL, US, OVIP
SUBJECT: CODEL DERWINSKI: ARRESTED POZNAN CONSULATE EMPLOYEES

REF: STATE 9855;#KINAST-DAVIS MEMCON, MAY 10, 1974

1. POZNAN CONSUL MALIN REPORTED MAY 30 THAT DEFENSE LAWYERS TOLD HIMPROSECUTION INVESTIGATION REPORT HAD NOT YET BEEN FORWARDED TO POWIAT COURT. LAWYER FOR MISS WOCH CONCLUDES THAT AUTHORITIES NOW INTEND TO POSTPONE TRIAL UNTIL AFTER POZNAN FAIR, SINCE HE BELIEVES THAT IT WOULD BE IMPOSSIBLE UNDER NORMAL CIRCUMSTANCES TO HAVE TRIAL BEFORE JUNE 7 AND IT IS UNLIKELY AUTHORITIES WOULD WISH TO HOLD IT IN PRESENCE OF SO MANY FOREIGN VISITORS DURING FAIR.

2. ON MAY 28, I CALLED ON VICE MINISTER CZYREK, WHO IS HANDLING US-POLISH RELATIONS DURING SPASOWSKI'S ABSENCE ON LEAVE. I POINTED OUT OUR DISAPPOINTMENT AT THE APPARENT DECISION OF THE LOCAL POLISH AUTHORITIES TO BRING THE TWO EMPLOYEES TO TRIAL DESPITE THE INDICATIONS WE HAD THAT THEIR ALLEGED OFFENSE WAS A VERY MINOR ONE WHICH WOULD NOT CONSTITUTE AN ILLEGAL ACT IN THE U.S. OR MANY OTHER COUNTRIES. WE FOUND THE SITUATION PARTICULARLY UNFORTUNATE SINCE THE POZNAN FAIR WAS ABOUT TO BEGIN AND CONGRESSMAN DERWINSKI WOULD BE ARRIVING AS THE PRESIDENT'S PERSONAL REPRESEN-
TATIVE. MORE IMPORTANTLY, THE PROLONGED IMPRISONMENT AND INTERROGA-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 WARSAW 03076 010036Z

TION OF OUR EMPLOYEES STRUCK A HARSHLY DISCORDANT NOTE IN THE

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

GENERALLY HARMONIOUS DEVELOPMENT OF POLISH-AMERICAN RELATIONS IN RECENT YEARS. I APPRECIATED THAT THE MATTER INVOLVED POLISH CITIZENS AND THE JURISDICTION OF THE POLISH AUTHORITIES WAS UNQUESTIONED. I HOPED THAT WHATEVER DECISION MIGHT EVENTUALLY BE REACHED WOULD TAKE INTO ACCOUNT THE POSSIBLE EFFECTS ON THE CLIMATE OF OUR BILATERAL RELATIONS.

3. THE VICE MINISTER SAID HE HAD MET REPRESENTATIVE DERWINSKI SOME YEARS AGO IN YUGOSLAVIA. TURNING TO DIRECTOR KINAST OF DEPARTMENT III, WHO WAS ALSO PRESENT, THE VICE MINISTER ASKED WHY THIS MATTER HAD NOT BEEN BROUGHT TO HIS ATTENTION PREVIOUSLY. THINKING ALOUD, HE WONDERED WHETHER IT WOULD NOT BE POSSIBLE TO POSTPONE COURT ACTION UNTIL AFTER THE FAIR. I INTERJECTED THAT I DID NOT FEEL THIS WOULD BE A HAPPY SOLUTION SINCE IT WOULD INVOLVE THE CONTINUED INCARCERATION OF THE EMPLOYEES DURING THE FAIR AND THE VISIT OF CONGRESSMAN DERWINSKI AND SINCE, FURTHER, BOTH PERSONS INVOLVED HAD ALREADY BEEN EXTENSIVELY INTERROGATED DURING THEIR MORE THAN TWO MONTHS OF DETENTION. WHILE THE DECISION WAS ENTIRELY IN THE HANDS OF THE POLISH AUTHORITIES, I WOULD HOPE THAT THE MATTER MIGHT BE CONCLUDED BEFORE JUNE 7.

4. IN RESPONSE, CZYREK SAID THAT, ONCE THE INVESTIGATION HAD BEEN COMPLETED, IT WOULD BE VERY DIFFICULT TO DO ANYTHING TO CHANGE THE NORMAL PROCEDURE OF SENDING THE CASE TO TRIAL. HE WAS GRATEFUL FOR MY INTERVENTION, WHICH RECOGNIZED THAT THE MATTER WAS AN INTERNAL POLISH ONE, BECAUSE SO "PETTY" A MATTER SHOULD NOT BE ALLOWED TO HAVE AN ADVERSE EFFECT ON OUR RELATIONS. HE COULD NOT COMMENT ON WHAT WOULD BE DONE, SINCE HE HAD JUST LEARNED OF THE CASE AND WOULD HAVE TO INQUIRE OF THE PROPER AUTHORITIES. HE HOPED, HOWEVER, THAT THE CASE COULD BE HANDLED IN SUCH A WAY AS NOT TO HAVE AN UNDUE EFFECT ON CONGRESSMAN DERWINSKI'S VISIT AND OUR INCREASINGLY GOOD RELATIONS.

5. I AM TODAY FORWARDING TO VICE MINISTER CZYREK COPIES OF LETTERS WHICH CONSUL MALIN HAS WRITTEN TESTIFYING TO THE GOOD CHARACTER OF EACH OF THE DEFENDANTS AND WHICH HE WILL BE FORWARDING TO THE COURT THROUGH THE DEFENSE ATTORNEYS. IN MY COVERING LETTER, I AGAIN URGE THAT THE PENDING CASE BE DEALT WITH EXPEDITIOUSLY AND WITH THE MOST FAVORABLE OUTCOME CONSONANT WITH POLISH LAW AND REGULATIONS.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

6. I RECOMMEND THAT CONGRESSMAN DERWINSKI BE BRIEFED ON THE CURRENT STATUS OF THE TWO POZNAN EMPLOYEES AND ON THE CIRCUMSTANCES WHICH LED TO THEIR ARREST. I AM CONVINCED THAT HE SHOULD NOT LEARN OF THEIR INCARCERATION ONLY AFTER HIS ARRIVAL HERE. I DO NOT KNOW HOW HE WILL REACT TO THIS UNPLEASANT BACKGROUND CIRCUMSTANCE ATTENDING HIS VISIT. I HOPE, AND, IF IT SHOULD BE NECESSARY, WOULD RECOMMEND THAT THE DEPART-

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

MENT URGE UPON CONGRESSMAN DERWINSKI, THAT HE VISIT POLAND AS SCHEDULED. IF HE IS INCLINED TO DO SO, IT WOULD PROBABLY BE HELPFUL FOR HIM TO MENTION THE MATTER AND HIS ADVERSE REACTION TO AMBASSADOR TRAMPCZYNSKI BEFORE HE LEAVES. IF THE EMPLOYEES ARE STILL IN JAIL WHEN HE ARRIVES HERE, I SHOULD RECOMMEND TO HIM THAT HE RAISE THE MATTER WITH THE MFA OFFICIALS HE SEES IN WARSAW AND WITH SUCH LOCAL OFFICIALS AS HE MAY SEE IN POZNAN.
DAVIES

NOTE BY OCT: #REFTEL APPARENTLY INCORRECT.

LIMITED OFFICIAL USE

NNN

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CODELS, ARRESTS, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974WARSAW03076
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740138-0648
From: WARSAW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974051/aaaaaaga.tel
Line Count: 124
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION H
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 9855;#KINAST-DAVIS MEMCON, MAY
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 29 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 MAY 2002 by shawdg>; APPROVED <03-Sep-2002 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CODEL DERWINSKI: ARRESTED POZNAN CONSULATE EMPLOYEES
TAGS: APER, PINS, OVIP, PL, US, (DERWINSKI), (WOCH), (CZYREK)
To: STATE USIA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005